
**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

DAVID N. BUTLER (DB4904)
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In re:

QUINN-WOOMBINE REALTY &
LEASING, LLC
Debtor.

Case No. 08-33787-JHW

Chapter 11

Hon. Judith H. Wizmur,
U.S.B.J.

**BRIEF ON BEHALF OF CREDITOR ALPERT BUTLER & WEISS, P.C., IN
OPPOSITION TO MOTION FOR RELIEF FROM STAY**

Alpert Butler & Weiss, P.C. ("ABW") is a judgment creditor of the Debtor, holding two judgments totaling approximately \$165,000. ABW has levied on the Debtor's real estate located at 1585 DeHirsch Avenue, Woodbine, New Jersey ("the Property"), and thus has an interest akin to a second mortgage on the Property.

ABW joins in the Debtor's opposition to the application of Bank of America, N.A. ("the Bank") for relief from the stay to allow a foreclosure sale of the Property. One need only examine the headlines in the newspapers to see that this is a terrible time to have a forced sale of real property, whether commercial or residential. This is in essence a one-asset bankruptcy

proceeding, and as set forth in Mr. Quinn's Certification on file with the Court, the prior appraisal of the property suggests that there may be enough realized from an orderly liquidation to satisfy all creditors. Respectfully, this Court should not use its equitable powers to compel a forced sale while the real estate markets are at their worst, which would greatly reduce the ability of all creditors, including the Bank, to recover on their claims.

CONCLUSION

For the reasons set forth above, ABW respectfully requests that the Bank's motion for relief from the automatic stay be denied.

Respectfully submitted,

/s/ David N. Butler
David N. Butler (DB 4904)

Dated: February 2, 2009